

What is a Conditional Use?

Forest Grove is divided into 15 land use zones by the Zoning Map and Development Code. These zones were adopted by the City Council to protect the safety, livability, appearance and economic health of our city and to allow for the efficient provision of city services. In each zone, certain uses are permitted which are generally compatible with the intent of the zone. No special applications are needed (other than the normal building permits and site plan review) to construct something that is permitted outright in a zone. In addition to permitted uses, there are conditional uses (listed in the Development Code). The Planning Commission has the power to approve or deny a conditional use. If approved, the Commission may impose certain restrictions or conditions on the use. This ensures compatibility with the surrounding established uses. These restrictions/conditions could include such things as greater setbacks, special fences, access location changes, etc.

How Do I Apply?

Application forms are available at the Community Development office. The application must meet the requirements of the law and justify the proposal in terms of the relevant ordinance criteria. A conditional use includes an application form, an original site plan (with ten (10) copies of same), written material addressing each of the criteria (listed below) and the filing fee. The applicant must prove that the conditional use meets the following criteria; if it does not, the Planning Commission and City Council are under legal obligation to deny it. It must be determined that:

A. Physical Compatibility

1. The proposed use will be compatible with adjacent developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or
2. The proposed use will mitigate differences in appearance or scale through setbacks, screening, landscaping, and other design features.

B. Public Services

1. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety; and
2. Public services for water supply, sanitary sewer, storm water disposal, police and fire protection are capable of serving the proposed use and previously approved uses.

C. Livability

The proposed conditional use will not have significant adverse impacts on the livability of nearby lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and
2. Privacy and safety issues.



The Review Process

After the application has been submitted, a date for a public hearing before the Planning Commission will be set. Property owners and residents near to the site of the proposal will be notified and a legal notice of the hearing will be published in the newspaper. Staff will review the application and visit the site, compiling background information on the proposal.

They will analyze:

- the site plan
- how the proposal complies with provisions of the law
- how the proposal addresses access to public facilities
- how the proposal relates to City plans
- the possible consequences of the proposal

The application is also circulated to all major public service departments to see how their services could be affected by the proposal. With this information in hand, staff will write a report recommending approval, approval with conditions or denial. The report may also contain suggested modifications. This report is sent to you and the Planning Commission prior to the hearing. The staff report may include conditions which the Commission may impose on approval of the project. The Planning Commission hearing is quasi-judicial, meaning there will be opportunity for testimony both for and against the proposal. At this time, you may address the Commission and staff will present their report. The Commission will consider all written and oral testimony and reach its decision by evaluating whether or not the proposal meets the criteria listed above. If the Commission approves the proposal, they are legally obligated to list findings of fact that satisfy the criteria. It is your responsibility to supply facts and evidence for the Planning Commission to use as findings in support of their decision.

If the Planning Commission Approves

The conditional use becomes effective immediately after approval. You may then apply for the necessary permits to proceed with the project.

If the Approval is Protested

If the approval is protested or if the Planning Commission denies, the protesting party may appeal (within fourteen (14) days) to the City Council and be granted a public hearing. City Council has the power to overturn or modify the Planning Commission's decision if approved. The conditional use becomes effective immediately after approval. You may then apply for the necessary permits to proceed with the project.

Some Things to Remember

Please refer to the Development Code for details on procedures and a listing of conditional uses for each zone. The Code is available at the Community Development office and online at www.forestgrove-or.gov. Discussions with the Planning staff are encouraged prior to submitting a formal application. It is important to note that while you may seem to have valid reasons for requesting a conditional use permit, the requirements in the Development Code (which are law) are the only basis upon which the Planning Commission and City Council may make a decision. A conditional use permit cannot be granted solely on your good intentions or economic need. City staff's role in the process is to assist you in making sure the application meets all the requirements of the law. They also represent the community as a whole, identifying situations that could cause an increase in the cost of providing city services, or could have adverse impacts on adjacent properties.

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